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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,599

05/03/2006

Mario Benzi

2506-1016

7170

466 7590 08/27/2007  
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EXAMINER

DUCKWORTH, BRADLEY

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

08/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,599	<b>Applicant(s)</b> BENZI, MARIO	
	<b>Examiner</b> Bradley H. Duckworth	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/18/07.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The specification still contains multiple grammatical errors, appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 11-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims state that the second plate is mounted to the first plate for vertical swinging movement, assumed to be 'tilting' in an up or down direction, this is not the case as the second plate is described and shown in the drawings as being mounted to the first plate for horizontally swinging movement, i.e. left to right movement, by provision of the two arms. The claims were examined as if vertically swinging movement was horizontally swinging movement, as this is what was meant to the best of the examiners understanding.

Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The means for selectively fixing the mounting means in any of a plurality of rotated positions is not shown nor adequately described in the specification. Also the claim

references two horizontal axis that either the means for mounting the TV set or the third plate are rotatable about. The application as filed only shows and describes one horizontal axis for rotation of the third plate, or mounting means for the TV set. For the purposes of examination the claim was examined as if the limitation that the means for mounting the TV set were rotatable about a second horizontal axis transverse to the first horizontal axis was not present.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim states "said means for mounting said TV set on said second plate comprising..." there is no antecedent basis for the means for mounting on the second plate, and it was assumed that the means for mounting the TV set were on the third plate as previously stated in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

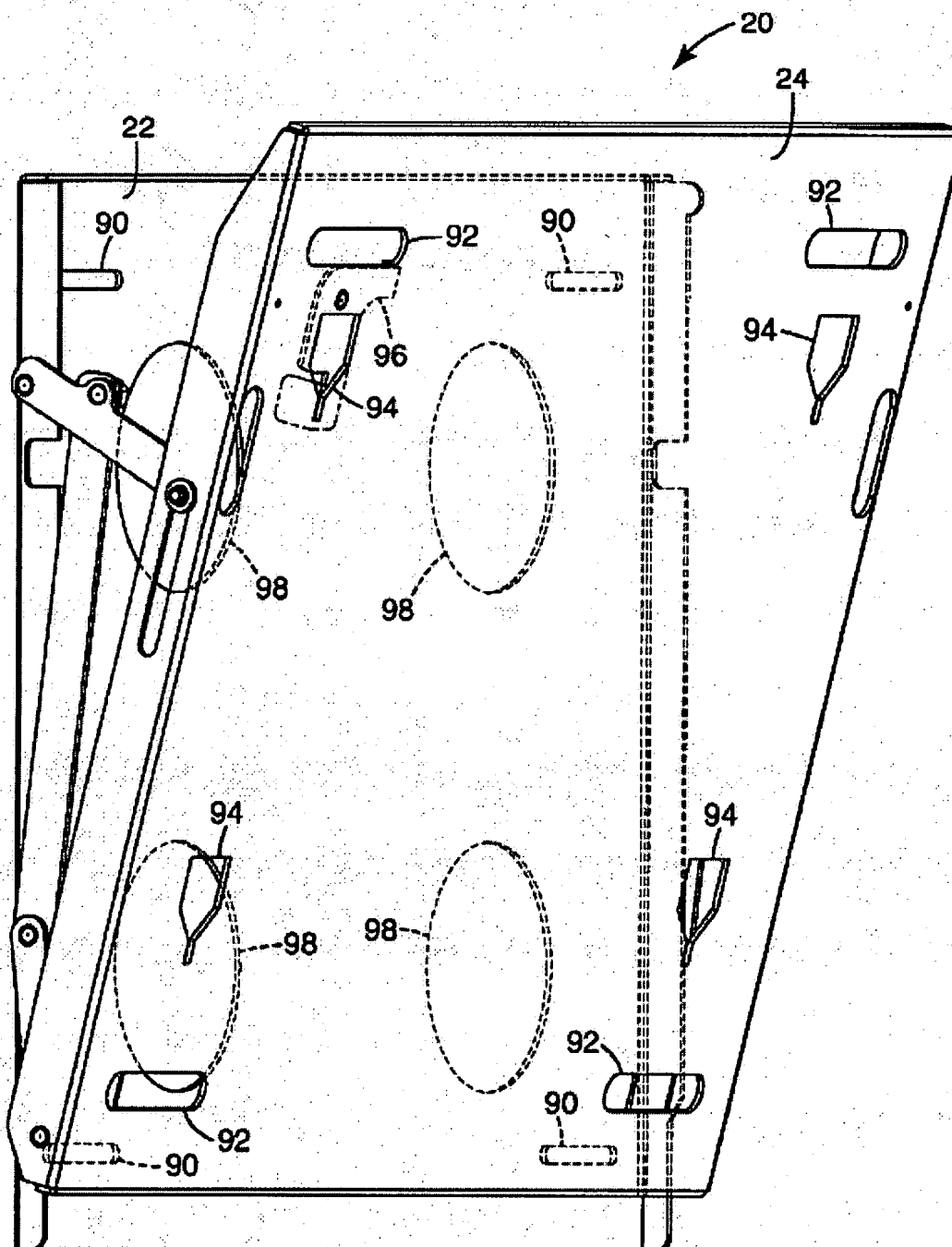
The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grombrich et al(US004814759) in view of Dittmer(US006402109). Referring to figure 4 Grombrich discloses a support comprising a first plate(24) to be fixed to a wall, a second plate(26) with means for mounting a TV set on the plate, comprising the housing that retains the display screen(50) further comprising means for mounting the second plate for horizontal swinging movement relative the first plate, comprising two arms (62 and 60) that swing about vertical axes and that are disposed one above another with the second plate selectively swingable with either of said first or second arms. Grombrich however does not disclose the use of a third plate mounted for vertical swinging movement about a horizontal axis adjacent a lower portion of the second plate. Referring to figure 3, Dittmer discloses a mount for a flat panel display comprising a first panel(22) with another panel(24) attached at a lower portion of the second panel for vertical swinging movement about a horizontal axis. The desirability of having a fully adjustable video screen is known, and it would have been obvious to one of ordinary skill in the art at the time of invention to try and replace the second panel of Grombrich with the support of Dittmer in order to provide a display support that not only allowed

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adjustment in a horizontal direction, as Grombrich does, but also in a vertical direction, as Dittmer does.

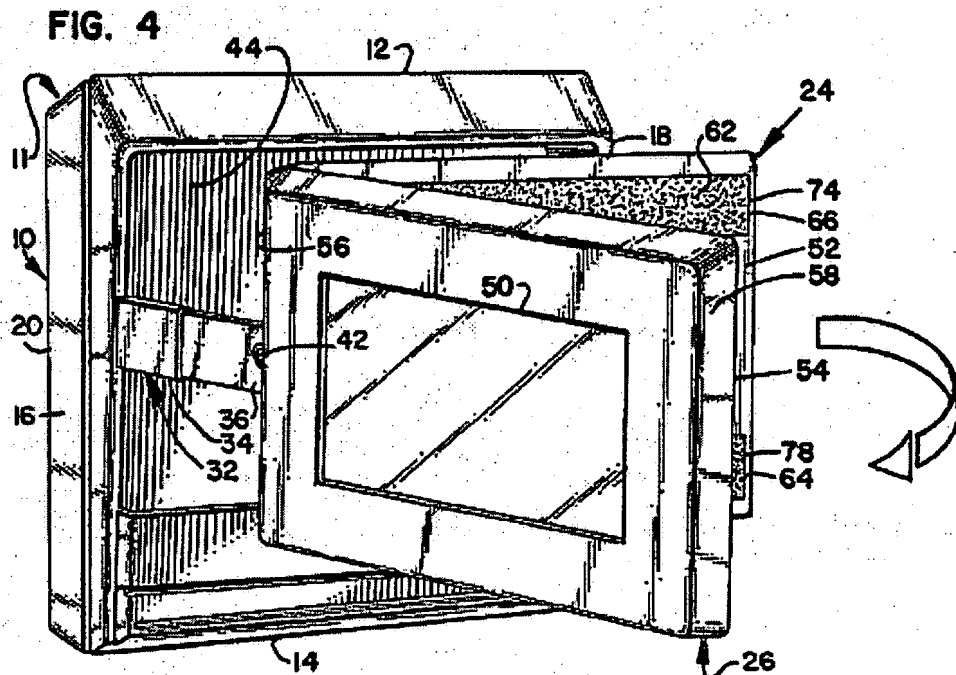


**Fig. 3**

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Grombrich et al(US004814759). Referring to figure 4 Grombrich discloses a support comprising a first plate(24) to be fixed to a wall, a second plate(26) with means for mounting a TV set on the plate, comprising the housing that retains the display screen(50) further comprising means for mounting the second plate for horizontal swinging movement relative the first plate, comprising two arms (62 and 60) that swing about vertical axes.



***Response to Arguments***



Applicant's arguments filed 4/18/07 have been fully considered but they are not persuasive. Applicant appears to argue that the two arms of Grombrich(62 and 60) are not there, this is clearly not the case as can be seen above. Applicant then appears to argue that the unclaimed structure of figures 7 and 8 impart patentability to the invention, applicant is reminded that the structure of the device must be specifically claimed in the claims for it to be patentable. Applicants arguments directed to the use of three plates are moot in view of the new ground for rejection above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley H. Duckworth whose telephone number is 571-272-2304. The examiner can normally be reached on m-f 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
BHD  
7/23/07

  
RAMÓN O. RAMÍREZ  
PRIMARY EXAMINER